

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Louisa Communications, Inc.	)	File No. EB-03-CF-401
WZAQ	)	
Louisa, Kentucky	)	NAL/Acct. No. 200432340001
	)	
	)	FRN 0003-7801-03
	)	

**FORFEITURE ORDER**

**Adopted: November 9, 2004**

**Released: November 12, 2004**

By the Assistant Chief, Enforcement Bureau:

**I. INTRODUCTION**

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of two thousand dollars (\$2,000) to Louisa Communications, Inc., (“Louisa”), licensee of Station WZAQ, Louisa, Kentucky, for repeated violation of Section 17.4(a)(2) of the Commission’s Rules (“Rules”).<sup>1</sup> The noted violation involves Louisa’s failure to register its antenna structure.

2. On January 12, 2004, the Commission’s Columbia, Maryland District Office (“Columbia Office”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) to Louisa, in the amount of three thousand dollars (\$3,000).<sup>2</sup> Louisa filed a response to the *NAL* on March 10, 2004.

3. In its response to the *NAL*, Louisa did not dispute the violation set forth in the *NAL*, but requested cancellation of the proposed forfeiture, contending that it cannot afford to pay the forfeiture. In support of its request for cancellation due to inability to pay, Louisa submitted its corporate tax returns for the years 2001 through 2003. Louisa also claimed that its owner, Mr. Harold G. Britton, was not aware that the antenna needed to be registered and thought that all reporting requirements had been taken care of by Louisa’s attorney.

**II. DISCUSSION**

4. Commission records indicate that Louisa’s license for WZAQ was issued on January 16,

<sup>1</sup>47 C.F.R. §§ 17.4(a)(2).

<sup>2</sup>*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432340001 (Enf. Bur., Columbia Office, released January 12, 2004).

1992. Because Louisa admits that the tower was not registered as of the date of the inspection by the Commission on July 16, 2003, we find that the violation of Section 71.4(a)(2) was repeated.<sup>3</sup> Therefore, we need not address whether the violation was willful.<sup>4</sup> We concur, however, with Louisa's assertion that the forfeiture should be reduced in light of its inability to pay. Accordingly, we reduce the forfeiture amount to two thousand dollars (\$2,000).

### III. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>5</sup> Louisa Communications **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of two thousand dollars (\$2,000) for repeatedly violating Section 17.4(a)(2) of the Rules.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment may be made by credit card through the Commission's Credit and Debt Management Center at (202) 418-1995 or by mailing a check or similar instrument payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8<sup>TH</sup> Floor Mailroom, Chicago, Illinois 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. The payment must include the FCC Registration Number (FRN) and the NAL/Acct. No. referenced in the caption. Requests for full payment under an installment plan should be sent to: Chief, Credit and Debt Management Center, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.<sup>7</sup>

7. **IT IS FURTHER ORDERED** that, a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested and by First Class Mail to Harold G. Britton, 112 Madison Street, P. O. Box 176, Louisa, KY 41230.

### FEDERAL COMMUNICATIONS COMMISSION

George R. Dillon  
Assistant Chief, Enforcement Bureau

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<sup>3</sup> Section 312(f)(2) of the Act, 47 U.S.C. §312(f)(2), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that a continuous violation is "repeated" if it continues for more than one day. The *Conference Report* for Section 312(f)(2) indicates that Congress intended to apply this definition to Section 503 of the Act as well as Section 312. See H.R. Rep. 97<sup>th</sup> Cong., 2d Sess. 51 (1982). See *Southern California Broadcasting Company*, 6 FCC Rcd 4387, 4388 (1991) and *Western Wireless Corporation*, 18 FCC Rcd 10319 at fn. 56 (2003).

<sup>4</sup> Section 503(b)(1)(B) of the Act, 47 U.S.C §503(b)(1)(B), authorizes imposition of forfeiture for any person who "willfully or repeatedly failed to comply with any provisions of this Act or with any rule, regulation, or order issued by the Commission under this Act..."

<sup>5</sup>47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>6</sup> 47 U.S.C. § 504(a).

<sup>7</sup>See 47 C.F.R. § 1.1914.